

The articles were alleged to be adulterated in that substances, i. e., sugar in the case of the damson plum and a portion of the raspberry, sugar and acid in the case of the blackberry and the remainder of the raspberry, and sugar, acid, and pectin in the case of the cherry, had been mixed and packed with the articles so as to reduce or lower their quality; in that the aforesaid mixtures containing less fruit and more sugar than jams should contain had been substituted for jams, which the articles purported to be and in that the articles had been mixed in a manner whereby their inferiority had been concealed.

The articles were alleged to be misbranded in that the statements "Pure * * * Raspberry [or "Blackberry", "Damson Plum", or "Cherry"] Jam", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jams but which were not jams; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, jams. The damson plum jam was alleged to be misbranded further in that the statement "6 Oz. Net", borne on the jar top, was false and misleading and tended to deceive and mislead the purchaser when applied to an article in jars containing 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 16, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27291. Adulteration of canned shrimp. U. S. v. 300 Cases of Canned Shrimp (and four other seizure actions). Decrees of condemnation entered. Product in certain shipments released under bond for segregation and destruction of decomposed portions. Product in remaining shipments ordered destroyed. (F. & D. nos. 38367, 38368, 38369, 38476, 38511. Sample nos. 7151-C, 7744-C, 15840-C.)

This product was in part decomposed.

On September 29, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 500 cases of canned shrimp at Boston, Mass., and 200 cases of canned shrimp at New Bedford, Mass. On October 1, November 5, and November 7, 1936, libels were filed against 300 cases of canned shrimp at Providence, R. I., 5 cases of the product at Roanoke, Va., and 7 cases at Rocky Mount, N. C. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about August 7, September 2, and September 9, 1936, by the Deer Island Fish & Oyster Co., from Bayou Labatre, Ala., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled, "Gulf's Best Brand Shrimp * * * Packed by Deer Island Fish and Oyster Co., Bayou Labatre, Ala., Biloxi, Miss."; the remainder was labeled, "S. G. Brand Wet Shrimp * * * Distributors Standard Grocery Company Boston Providence D. C. & H. Co., New Bedford."

It was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substances.

On March 31 and April 12, 1937, no claimant having appeared for the lots seized at Roanoke, Va., and Rocky Mount, N. C., judgments of condemnation were entered and said lots were ordered destroyed. On April 21 and 23, 1937, the Deer Island Fish & Oyster Co., having filed a claim for the lots seized at Providence, R. I., Boston, Mass., and New Bedford, Mass., and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27292. Misbranding of tomato paste and peeled tomatoes. U. S. v. 133 Cases of Canned Tomato Paste, and 200 Cases and 467 Cases of Canned Peeled Tomatoes. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. nos. 38415, 38416. Sample nos. 4178-C, 4179-C.)

This case involved tomato paste and peeled tomatoes of domestic origin that bore labels and designs to indicate that they were of foreign origin.

On October 16, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 cases of canned

tomato paste and 667 cases of canned peeled tomatoes at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 18, 1936, by the Riverbank Canning Co., from Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Cans) "Bortolo Brand Tomato Paste [or "Bortolo Brand Italian Style Peeled tomatoes"] * * * Packed expressly for Bortolo Bendin Inc. Wallabout Market Brooklyn N. Y."

They were alleged to be misbranded in that the Italian national colors (red, white, and green) and the design of pear-shaped tomatoes characteristic of those imported from Italy, borne on the labels, in the absence of any statement of foreign origin, were false and misleading and tended to deceive and mislead the purchaser into believing that the articles were of foreign origin; whereas they were not of foreign origin.

On January 7, 1937, Bortolo Bendin, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27293. Adulteration of salmon. U. S. v. 11,610 Cases of Canned Salmon (and 10 other seizure actions). Consolidated consent decree of condemnation. Portion of product released under bond. Balance exonerated and ordered released unconditionally. (F. & D. nos. 38474, 38475, 38481, 38482, 38483, 38510, 38517, 38526, 38528, 38707, 38712. Sample nos. 22263-C, 22269-C, 22282-C, 22283-C, 22291-C, 23706-C, 23715-C, 23716-C, 23720-C, 29239-C, 29243-C, 29258-C, 29279-C, 29280-C, 29293-C, 32376-C, 32379-C, 32388-C, 32389-C.)

These cases involved canned salmon that was in whole or in part decomposed.

On October 29 and 30 and November 4, 9, 10, and 25, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29,258 cases and 11,686 cartons of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of August 14 and September 11, 1936, by the Ocean Packing Co. from Klawock, Alaska, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "North Bay Brand Pink Salmon * * * Distributed by Wesco Foods Company * * * Cincinnati, Ohio." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 11, 1937, the Ocean Packing Co. and the Wesco Foods Co., claimants for respective portions of the article, having admitted the allegations of the libels insofar as they concerned certain portions of the article and having consented to the entry of a decree, a consolidated judgment was entered finding portions of the product adulterated and ordering that it be condemned and released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act. The remainder of the product was adjudged unadulterated and was ordered released unconditionally. On May 19, 1937, the portion of the product belonging to the Wesco Foods Co. which was required by the decree of May 11, 1937, to be reconditioned having been sold to Carl Rubenstein, a supplemental decree was entered condemning said goods and permitting their release to Carl Rubenstein under the same conditions as set forth in the original decree.

H. A. WALLACE, *Secretary of Agriculture.*

27294. Adulteration of butter. U. S. v. Bert Brice Nash, Fritz Ortman, and Charlie H. Gallagher (Salt City Creamery). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38633. Sample no. 14102-C.)

This case involved butter that was deficient in milk fat.

On March 12, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bert Brice Nash, Fritz Ortman, and Charlie H. Gallagher, copartners trading as Salt City Creamery, Oklahoma City, Okla., charging shipment by said defendants in violation of the Food and Drugs Act, on or about September 1, 1936, from the State of Oklahoma into the State of Illinois of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a